

REMARKS

In the present Office Action, the Examiner has (a) determined that Claims 1-24 as originally filed are subject to a restriction requirement; and (b) required restriction to one of the following inventions -- Group I: Claims 1-9, drawn to a power production system, classified in class 60, subclass 39.37, and Group II: Claims 10-24, drawn to a combustion system with a pilot port and ignition for the pilot, classified in class 431, subclass 1.

Applicants hereby provisionally elect to prosecute the claims of Group II (claims 10-24) in the above-identified case, but traverse the restriction requirement with respect to the claims of Group I (claims 1-9).

RESTRICTION REQUIREMENT

As set forth in the MPEP § 803, restriction may properly be required between patentably distinct inventions if (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner if restriction is not required.

With regard to the claims of Groups I and II in the present case, the Examiner has stated that the inventions are related as combination and subcombination and inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). However, Applicants respectfully submit that there will not be a serious burden on the Examiner if the restriction between the claims directed to a power production system and claims directed to a combustion system is not required because regardless of which set of claims are prosecuted, the field of

search for each invention are so closely related to combustion wave ignition that maintaining them in the same application would not cause undue hardship for the Examiner. A separate field of search shown to exist only where one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, it is submitted that pertinent art for both groups may exist in both the classes/subclasses recited by the Examiner. Thus, Applicants contend that there will not be a serious burden on the Examiner if restriction is not required and withdrawal of the Restriction Requirement is requested.

In view of the above, it is respectfully submitted that the conditions set forth in MPEP § 803 do not require that the inventions of Groups I and II be restricted in this case because, in particular, there will not be a serious burden on the Examiner if restriction is not required. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the Restriction Requirement as to the claims of Groups I and II and pass this application for action on the merits of the pending claims.

PETITION DIRECTOR

If the restriction requirement is maintained and made final, the Applicant preserves the right to petition the Director to review the requirement now or may defer the petition until after final action or allowance of claims to the invention elected (37 C.F.R. § 1.144).

CONCLUSION

In view of the above, the Applicant respectfully requests reconsideration or modification of the requirement of species election. Further, while Applicants have elected Claims 10-24 with traverse for initial examination, Applicants reserve the right to

file divisional/continuation applications directed to the subject matter of Claims 1-9 in future prosecution.

Respectfully submitted,

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By:


Michael L. Taylor, Reg. No. 50,521
Erica K. Schaefer, Reg. No. 55,861

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MLT/EKS/ps